

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PROFANT, INC. DBA BUSINESS)
NETWORK TEAM) Case No.: 1:16-cv-00753
2 Berea Commons, Suite 205)
Berea, Ohio 44017,)
))
Plaintiff,)
))
vs.) JUDGE: Dan A. Polster
))
))
MICHAEL WITKOWSKI)
111 Riveredge Parkway)
Berea, Ohio 44017) MAGISTRATE: William H. Baughman, Jr.
))
and)
))
U.S. NETWORK, INC.) **DEFENDANT U.S. NETWORK, INC.’S**
) **MOTION TO EXTEND DEADLINE TO**
3554 Brecksville Road, Suite 200) **RESPOND TO PLAINTIFF’S PRELIMINARY**
Richfield, Ohio 44286,) **INJUNCTION MOTION & SUPPORTING**
) **MEMORANDUM**
))
Defendants.)

Motion

Defendant, U.S. Network, Inc. (“USN”), by counsel, respectfully moves the Court for a one-week enlargement of time in which to respond to Plaintiff’s Motion for Preliminary Injunction, to and including April 21, 2016.

Memorandum

In support of the instant Motion, USN shows the Court as follows:

1. Plaintiff originally filed a similar lawsuit in state court. USN served discovery on Plaintiff in that matter on March 4, 2016.
2. In the state court matter, Plaintiff sought a temporary restraining order to have Defendant Witkowski barred from working for USN. When that relief was denied, Plaintiff dismissed the state court matter and refiled in this Court on March 28, 2016. [DE 1].

3. Plaintiff also filed a Motion for Preliminary Injunction in this Court on March 28, 2016. [DE 4].

4. USN served discovery in this matter on March 29, 2016 that was very similar to the discovery it served in the state court matter on March 4, 2016. [DE 7]. That discovery remains outstanding and no responses have been received from Plaintiff in regard to it.

5. A report regarding the status of settlement negotiations is due to the Court on April 11, 2016. [DE, Minute Entry of 3/30/2016].

6. Plaintiff has scheduled depositions of both Defendants on April 12, 2016.

7. A judicial settlement conference is scheduled for April 13, 2016. [DE, Minute Entry of 3/30/2016].

8. USN's deadline to respond to the Motion for Preliminary Injunction is currently April 14, 2016.¹

9. USN respectfully requests a one-week extension to its response deadline or until and including April 21, 2016.

10. The basis for the requested extension is twofold.

11. First, USN would prefer to concentrate on resolving the matter while conserving scarce resources. Specifically, USN is hopeful that at or before the judicial settlement conference, the matter will be entirely resolved and the response – currently due the very next day – becomes unnecessary.

12. Second, USN's response, if ultimately necessary, will be more thorough and complete – and presumably more useful to the Court – if USN has the benefit of Plaintiff's written discovery responses and the transcripts from the upcoming depositions.

¹ The Motion for Preliminary Injunction does not contain a certificate of service, but USN believes it was served via mail or electronically – not via hand delivery. Thus, in accordance with Fed. R. Civ. P. 5 and 6, and L.R. 7.1(d), the response deadline is 17 days later.

13. Given that a preliminary injunction hearing has not yet been scheduled, a one-week extension to USN's response deadline should not prejudice any party.

WHEREFORE, USN respectfully requests a one week extension to its response deadline, or until and including April 21, 2016, and for all other relief just and proper in the circumstances.

Respectfully submitted,

/s/ Jason T. Clagg
Stephen L. Fink, Esq.
Jason T. Clagg, Esq.
BARNES & THORNBURG LLP
110 E. Wayne Street, Suite 600
Fort Wayne, Indiana 46802-3119
Tel: (260) 423-9440
Fax: (260) 424-8316
E-mail: sfink@btlaw.com
jclagg@btlaw.com

ATTORNEYS FOR U.S. NETWORK, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document has been electronically served this 8th day of April, 2016, with the Clerk of Court using the CM/ECF system, which will send notice to the following counsel:

Russell Randazzo
(*russellrr@randazzolaw.com*)
RANDAZZO LAW, L.L.C.
635 W. Lakeside Avenue #402
Cleveland, Ohio 44113

Frank J. Groh-Wargo
(*frank@grohwargolaw.com*)
GROH-WARGO CO., L.P.A.
2 Berea Commons, Suite 215
Berea, Ohio 44017

Mark S. Fusco
(*mfusco@walterhav.com*)
Sara Rava Cooper
(*scooper@walterhav.com*)
WALTER HAVERFIELD LLP
1301 E. Ninth Street, Suite 3500
Cleveland, Ohio 44114

_____/s/ Jason T. Clagg_____